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"The most important characteristic of a chief executive of any region is that he or she should be a noble person."

- Li Ka Shing, business tycoon from Hong Kong, on the topic of the special administrative region's future chief executive.

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Balance public opinion and judicial independence

By Nick Land

The recent case of Wang Binyu, a 27-year-old migrant worker from Gansu Province who killed four and injured one, has not only highlighted the importance of protecting the basic rights of migrant workers, but also sparked an intense debate over whether Wang should be sentenced to death.

Wang worked for more than one year on a building site in the city of Shizhuishan of Northwest China¡¯s Ningxia Hui Autonomous Region. When he went to his boss to collect about 5,000 yuan (US$617) of back pay in May, the boss, who had no intention of paying the money, summoned Wang¡¯s supervisor and three of the supervisor¡¯s relatives to intimidate and humiliate Wang. In hot anger Wang pulled out a knife, stabbing the four to death and seriously injuring another. He then voluntarily gave himself up to police later that day and was sentenced to death by a local court in June.

The discussions and debates following media reports have reminded me of the case of Yu Bin, former vice-mayor of a small city in Central China¡¯s Hunan Province, who took bribes but spent part of them on some good causes.

Yu has been found guilty of taking 95,000 yuan (US$11,728) in bribes and possessing 100,000 yuan (US$12,300) worth of property from unknown sources. What set Yu apart from other corrupt officials was that Yu used some part of the bribes he received to help the poor and on other worthy causes. Yu has been sentenced to a three-year imprisonment with a five-year suspension. The court also confiscated 60,000 yuan (US$7,407) worth of Yu¡¯s property.

Many people expressed sympathy for Yu, some even arguing that he should not have been convicted at all because he was a virtuous official, as shown by his benevolence.

Public discussion of crime and justice-related issues is a normal and positive phenomenon. But then an interesting question pops up: Will public opinion and sentiment jeopardize judicial independence and impartiality?

Some people argue that the media and the public should let justice take its course, saying that justice is often better served with calm professionalism than an eye on the news headlines. So they hold it to be better to wait until the truth comes out and speaks for itself rather than making any prejudgment. It is their belief that all the media should do is to present a fair, objective and balanced depiction of the facts without any bias or prejudice or sympathy for or against either party, and that outside interference or social pressure, either from the public or the media, may have negative effect on judicial independence and impartiality.

This sounds like a perfect argument. Nevertheless, China has a long tradition of taking public opinion and sentiment into account when giving a verdict. Is this a good tradition, or a bad tradition that can undermine judicial objectivity?

Should public opinion and sentiment influence court verdicts, and if yes, to what extent, and how can it be ensured that public opinion and sentiment influence it in a fair and unbiased manner?

Perhaps we can gain a better understanding of the relationship between public opinion and judicial independence through the cases of Wang Binyu and of Yu Bin.

(The author is a translator and freelancer)

Nick Land
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